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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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AVAIL HOLDING LLC,

Civil Action No:  
19-cv-00117 (BMC)

*Plaintiff,*

-against-

Notice of Motion

FRANCES RAMOS; COMMISSIONER OF SOCIAL  
SERVICES OF THE CITY OF NEW YORK SOCIAL  
SERVICES DISTRICT; CREDIT ACCEPTANCE  
CORPORATION; CITY OF NEW YORK  
ENVIRONMENTAL CONTROL BOARD, NEW YORK  
CITY TRANSIT ADJUDICATION BUREAU;

*Defendants.*

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PLEASE TAKE NOTICE, that upon Plaintiff's verified complaint, Defendant Frances Ramos' verified answer with counterclaims, Plaintiff's verified answer to Defendant's counterclaims, the Affidavit of Frances Ramos sworn to on June 3, 2019, the declaration of Christopher Newton dated June 4, 2019, the accompanying exhibits and memorandum of law, and all prior proceedings herein, Defendant Frances Ramos will move this Court before the Honorable Brian M. Cogan, U.S.D.J., at the United States Courthouse for the United States District Court for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York, 11201 for an order:

1. Granting Defendant summary judgment dismissing the verified complaint as barred by the statute of limitations;
2. Granting Defendant summary judgment on her counterclaim pursuant to N.Y. R.P.A.P.L. § 1501(4), and cancelling and discharging of record the mortgage that is the subject of this action;
3. Granting Defendant summary judgment on her counterclaim pursuant to N.Y. R.P.L. § 282, and awarding reasonable attorneys' fees in an amount to be determined upon application; and
4. For such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to a scheduling order issued by the Court, Plaintiff's opposition, if any, is due no later than June 18, 2019.

PLEASE TAKE FURTHER NOTICE that Defendant does not request oral argument on this matter.

Dated: June 4, 2019  
Jamaica, New York

/s/  
QUEENS LEGAL SERVICES  
By: Christopher Newton  
*Attorneys for Defendant Frances Ramos*  
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